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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,961	03/12/2001	Toyokazu Sugai	1163-0329P	2653

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/802,961	Applicant(s) SUGAI ET AL.	
	Examiner Hai Tran	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 02/17/2005 have been fully considered but they are not persuasive.

As to applicant argument towards newly added limitation of the amended claim1, the Examiner respectfully disagrees because Thomas inherently discloses 1st and 2nd tables. The Examiner cites "the database validation subsystem operates automatically on either the entire database or any subset thereof designated by the operator.

Subsets may be designated by defining the time window and particular editions to be validated.", see Col. 8, lines 17-21; Thomas further discloses "The 1st PID is used to identify a short term or start-up data stream comprising the application software, channel description, and national broadcast program schedule data....The 2nd PID identifies long-term... such as program schedule information for program not scheduled for several hours and local program information..." see Col. 11, lines 32-42, and "...data for program scheduled for the present day will be included more frequently in the feed than data for programs airing in the week." see col. 12, lines 9-11.

Thus, 1st and 2nd tables correspond to any subsets; or 1st table correspond to national broadcast program schedule data and 2nd table corresponds to as program schedule information for program not scheduled for several hours and local program information; or 1st table corresponds to "program scheduled for the present day" and 2nd table corresponds to "data for programs airing in a week".

As to limitation "separately regenerates the 1st table of events at a time or in content different from the 2nd table of event" is further met by Thomas' s disclosure, col. 12, lines 9-11, "...data for program scheduled for the present day will be included more frequently in the feed than data for programs airing in a week." Wherein program scheduled for the present day (1st table) is separately regenerated cyclically, more often than the data for programs airing in a week (2nd table).
For at least the reason set forth above, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (US 5666654).

Claim 1, Thomas discloses an electronic program guide providing device (Fig. 1) comprising:

- an editing means (Fig. 1, el. 20; Fig. 4) for editing electronic program information;
- an electronic program information storage means (Fig. 1, el. 90) for storing the electronic program information edited by said editing means;

a table generation means (Fig. 1, el. 40; Fig. 5; Col. 8, lines 47-65+) for generating an electronic program guide table by using the electronic program information stored in said electronic program information storage means, said device (112) providing the generated electronic program guide table, the EPG table having a 1st table events, and at least a 2nd table events occurring at different times or in different content from the events in the 1st table (see Col. 8, lines 17-21; Col. 11, lines 32-42 and col. 12, lines 9-11);

When updating the electronic program information stored in said electronic program information storage means (Col. 5, lines 67-Col. 6, lines 65), said editing means generating update information on the updating of the electronic program information (Col. 7, lines 54-Col. 8, lines 9); and

Said table generation means updating the electronic program guide table based on said update information generated by said editing means by using the electronic program information stored in said electronic program information storage means (Col. 8, lines 47-Col. 11, lines 21); wherein the 1st table of events is separately regenerated at a time or in content different from the second table of events (reads on col. 12, lines 9-11 in which program scheduled for the present day (1st table) is separately regenerated cyclically, more often than the data for programs airing in a week (2nd table)).

Claim 2, Thomas further discloses wherein said device further includes an update information storage means (Fig. 1, el. 90) for storing the update information

generated by said editing means (Fig. 4 and Col. 8, lines 2-9), and wherein, when updating the electronic program information stored in said electronic program information storage means, said editing means (Fig. 4) stores the update information on the updating of the electronic program information in said update information storage means (Col. 8, lines 2-9), and said table generation means generates the electronic program guide table based on the update information stored in said update information storage means by using the electronic program information stored in said electronic program information storage means (Col. 8, lines 47-Col. 11, lines 21).

Claim 3, Thomas further discloses wherein said electronic program guide table consists of a plurality of electronic program information tables each of which corresponds to the type of electronic program information included therein, and said table generation means determines which electronic program information table has to be updated based on the update information on the updating of the electronic program information and updates only one or more electronic program information tables that need to be updated (Col. 5, lines 60-Col. 6, lines 62).

Claim 4, Thomas further discloses wherein said electronic program guide table consists of a plurality of electronic program information tables each of which corresponds to the type of electronic program information included therein, and said table generation means determines which electronic program information table has

to be updated based on the update information on the updating of the electronic program information, and updates only one or more electronic program information tables that need to be updated (Col. 5, lines 60-Col. 6, lines 62).

Claim 5, Thomas further discloses wherein said table generation means updates only one or more electronic program information tables that need to be updated at predetermined intervals (Col. 8, lines 47-65+).

Claim 6, Thomas further discloses wherein said table generation means updates only one or more electronic program information tables that need to be updated at predetermined intervals (Col. 7, lines 3-65+).

Claim 7, "wherein said table generation means sets the length of predetermined intervals at which only one or more electronic program information tables that need to be updated are updated according to a sending frequency of an electronic program information table with the largest sending frequency" is met by Thomas (Col. 9, lines 19-37) because the updating process according to the largest sending frequency would also update the EPG information tables that have the smallest sending frequency.

Claim 8, "wherein said table generation means sets the length of predetermined intervals at which only one or more electronic program information

tables that need to be updated are updated according to a sending frequency of an electronic program information table with the largest sending frequency” is met by Thomas (Col. 9, lines 19-37) because the updating process according to the largest sending frequency would also update the EPG information tables that has the smallest sending frequency.

Claim 9, “wherein said table generation means sets the length of predetermined intervals at which each of one or more electronic program information tables that need to be updated is updated according to a sending frequency of each of the one or more electronic program information tables” is further met by Thomas (Col. 9, lines 50-Col. 10, lines 5).

Claim 10, Thomas further discloses wherein said table generation means sets the length of predetermined intervals at which each of one or more electronic program information tables that need to be updated is updated according to a sending frequency of each of the one or more electronic program information tables (Col. 8, lines 47-65).

Claim 11, Thomas further discloses wherein said device includes a plurality of editing means (Fig. 4), and each of said plurality of editing means inspects update information generated by any other editing means stored in said update information storage means (Col. 7, lines 54-Col. 8, lines 46).

Claim 12, Thomas further discloses wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61).

Claim 13, Thomas further discloses wherein said table generation means determines whether the updating of the electronic program information done by said editing means causes something wrong in the generation of the electronic program guide table, when determining so, notifies said editing means that there causes something wrong in the generation of the electronic program guide table, and invalidates the updating of the electronic program information (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61).

Claim 14, Thomas further discloses wherein said table generation means determines whether the updating of the electronic program information done by said editing means causes something wrong in the generation of the electronic program guide table, when determining so, notifies said editing means that there causes something wrong in the generation of the electronic program guide table, and urges

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said editing means to re-edit the electronic program information (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61).

Claim 15, Thomas further discloses wherein said table generation means determines whether the updating of the electronic program information done by said editing means causes something wrong in the generation of the electronic program guide table, when determining so, notifies said editing means that there causes something wrong in the generation of the electronic program guide table, and restores the electronic program information stored in said electronic program information storage means to the state it was prior to the updating of the electronic program information with reference to the histories of the update information stored in said update information storage means (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61).

Claim 16, Thomas further discloses wherein said device includes a plurality of table generation means (Fig. 1, el. 40) for generating the electronic program guide table while sharing a load of generating the electronic program guide table (Col. 8, lines 47-Col. 10, lines 20).

Claim 17, Thomas further discloses wherein said device includes a plurality of table generation means (Fig. 1, el. 40) for generating the electronic program guide

table while sharing a load of generating the electronic program guide table (Col. 8, lines 47-Col. 10, lines 20).

Claim 18, Thomas further discloses wherein said table generation means provides the generated electronic program guide table at predetermined intervals, and, when updating the electronic program guide table, provides the electronic program guide table updated at the same time that it updates the electronic program guide table (Col. 12, lines 27-61).

Claim 19, Thomas further discloses wherein said table generation means provides the generated electronic program guide table at predetermined intervals, and, when updating the electronic program guide table, provides the electronic program guide table updated at the same time that it updates the electronic program guide table (Col. 12, lines 27-61).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
06/24/2005



HAI TRAN
PRIMARY EXAMINER